

Minutes

4-15-13

**TENNESSEE MOTOR VEHICLE COMMISSION
 BOARD MEETING
 April 15, 2013 10:00 A.M.
 CONFERENCE ROOM A-1
 DAVY CROCKETT TOWER, 500 JAMES ROBERTSON PKWY.
 NASHVILLE, TENNESSEE 37243**

ROLL CALL:

	<u>PRESENT</u>	<u>ABSENT</u>
EDDIE ROBERTS	X	
REED TRICKETT	X	
GEORGE BASS		X
JOE CLAYTON	X	
KEVIN CULLUM	X	
DONNIE HATCHER	X	
NATE JACKSON	X	
JOHN MURREY	X	
DON PARR	X	
STAN MCNABB		X
FARRAR SCHAEFFER VAUGHAN	X	
MARK PIRTLE	X	
RONNIE FOX	X	
WADE HINTON		X
LYNN WEBB	X	
BILLY KECK		X

The Tennessee Motor Vehicle Commission Meeting was called to order by Chairman Eddie Roberts on April 15, 2013 Roll Call was taken with a total of (12) member's present.

A Motion was made by Commissioner Joe Clayton, and seconded by Commissioner Donnie Hatcher, to approve the minutes from the January 7, 2013 meeting.

MOTION PASSED UNANIMOUSLY

Adopt Agenda

A Motion was made by Commissioner Ronnie Fox, and seconded by Commissioner Joe Clayton.

APPEALS

The following appeals were heard by Commission.

Scott A. Tyler-Raney Ford-Lincoln, Johnson, TN

Staff denied application

Motion was made by Commissioner Lynn Webb, and seconded by Commissioner Don Parr to grant the license.

ROLL CALL VOTE

Eddie Roberts	No
Ronnie Fox	Yes
Don Parr	Yes
Nate Jackson	Yes
Farrar Schaeffer Vaughan	Yes
Reed Trickett	Abstain
Mark Pirtle	Yes
Joe Clayton	Yes
Lynn Webb	Yes
John Murrey	Abstain
Kevin Cullum	Yes
Donnie Hatcher	Yes

Motion passed to grant the license.

Clarence E. Branch-Jackson Auto Center, Jackson, TN

Staff denied application

Motion was made by Commissioner Mark Pirtle, and seconded by Commissioner Farrar Schaeffer to grant the license.

ROLL CALL VOTE

Motion passed to deny the license.

Eddie Roberts	Yes
Ronnie Fox	Yes
Don Parr	Yes
Nate Jackson	Yes
Farrar Schaeffer Vaughan	Yes
Reed Trickett	Yes
Mark Pirtle	Yes
Joe Clayton	Yes
Lynn Webb	Yes
Kevin Cullum	Yes
John Murrey	Yes
Donnie Hatcher	Abstain

Motion passed to grant the license.

Kenneth C. Quarles-Prestige Cars Inc, Chattanooga, TN
Staff denied application-NO SHOW

Motion was made by Commissioner Nate Jackson, and seconded by Commissioner Reed Trickett to uphold the denial of the license.

ROLL CALL VOTE

Eddie Roberts	Yes
Ronnie Fox	Yes
Don Parr	Yes
Nate Jackson	Yes
Farrar Schaeffer Vaughan	Yes
Reed Trickett	Yes
Mark Pirtle	Yes
Joe Clayton	Yes
Lynn Webb	Yes
Kevin Cullum	Yes
John Murrey	Yes
Donnie Hatcher	Yes

Motion passed to uphold the denial of the license.

George O. Divine-Florence & White Ford, Smithville, TN
Staff denied application

Motion was made by Commissioner Reed Trickett, and seconded by Commissioner Don Parr to grant the license.

ROLL CALL VOTE

Eddie Roberts	Yes
Ronnie Fox	Yes
Don Parr	Yes
Nate Jackson	Yes
Farrar Schaeffer Vaughan	Yes
Reed Trickett	Yes
Mark Pirtle	Yes
Joe Clayton	Yes
Lynn Webb	Yes
Kevin Cullum	Yes
John Murrey	Yes
Donnie Hatcher	Yes

Motion passed to grant the license.

Hugh L. Hollon- Gary Matthews Motors LLC., Antioch, TN
Staff denied application-NO SHOW

Motion was made by Commissioner Nate Jackson, and seconded by Commissioner Farrar Schaeffer Vaughan, to uphold the denial of the license.

ROLL CALL VOTE

Eddie Roberts	Yes
Ronnie Fox	Yes
Don Parr	Yes
Nate Jackson	Yes
Farrar Schaeffer	Yes
Reed Trickett	Yes
Mark Pirtle	Yes
Joe Clayton	Yes
Lynn Webb	Yes
Kevin Cullum	Yes
John Murrey	Yes
Donnie Hatcher	Yes

Motion passed to uphold the denial of the license.

Ronnie B. Miles-Gary Matthews Motors LLC, Antioch, TN
Staff denied application

Motion was made by Commissioner Nate Jackson, and seconded by Commissioner Donnie Hatcher to grant the license.

ROLL CALL VOTE

Eddie Roberts	Yes
Ronnie Fox	Yes
Don Parr	Yes
Nate Jackson	Yes
Farrar Schaeffer Vaughan	Abstain
Reed Trickett	Yes
Mark Pirtle	Yes
Joe Clayton	Abstain
Lynn Webb	Yes
Kevin Cullum	Yes
John Murrey	Yes

Motion was passed to grant the license.

Carlos Gonzales- E & S Auto Sales & Repair Inc., Nashville, TN
Staff denied application-NO SHOW

Motion was made by Commissioner Nate Jackson, and seconded by Commissioner Farrar Schaeffer Vaughan to uphold the denial of the license.

ROLL CALL VOTE

Eddie Roberts	Yes
Ronnie Fox	Yes
Don Parr	Yes
Nate Jackson	Yes

Farrar Schaeffer Vaughan	Yes
Reed Trickett	Yes
Mark Pirtle	Yes
Joe Clayton	Yes
Lynn Webb	Yes
Kevin Cullum	Yes
John Murrey	Yes
Donnie Hatcher	Yes

Motion was to uphold the denial of the license.

DIRECTORS REPORT

Since the last Commission meeting in Jan., 2013 the following actions have been taken:

Dealers Opened, or Relocated116

Active Licensees as of April, 2013

Dealers.....	3927
Applications in Process.....	37
Distributions/Manufacturers	170
Auctions.....	31
Representatives.....	592
Salespeople.....	15381
Dismantlers.....	334
RV Dealers.....	26
RV Manufacturers.....	54

Motor Vehicle Show Permits Issued Since January 15, 2013 ...10

Revenue Received	\$ 2000.00
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Motion was made by Commissioner Mark Pirtle, and seconded by Commissioner Nate Jackson to approve the Directors report.

Old Business

None

New Business

None

Legal Report presented to the Legal Review Committee

1. Case No.: 2012023291

Complainant/consumer alleged that Respondent/dealer engaged in unethical practices in the process of repossessing a vehicle. Respondent denied such indicating that the vehicle

payments were in default. Complainant purchased vehicle and traveled out of state for several months without first obtaining an emissions test for the registration of the vehicle. The Complainant stated that she agreed to allow repossession of the vehicle in lieu of foregoing further payment.

Recommendation: Close – No Violation Found.

Commission Action: Approved.

2. Case No.: 2012023551

Complainant/consumer alleged misrepresentation and deceptive acts during the purchase of a vehicle from Respondent/dealer. Complainant alleged that after purchase, the vehicle had mechanical difficulties that were not corrected by the Respondent. The vehicle was purchased “as-is,” with no warranties. Complainant further alleged that the vehicle was financed by providing false information to the financing company regarding a cash down payment. The bill of sale signed by both parties indicates a cash payment contradicting the Complainant’s claim.

Recommendation: Close – No Violation found. Vehicle was purchased “As-Is.”

Commission Action: Approved.

3. Case No.: 2012025751

Respondent/dealer was issued an agreed citation for failure to post city and county business licenses. Respondent has failed to respond to or pay the citation.

Recommendation: Authorization for a civil penalty in the amount of Five Hundred Dollars (\$500) (\$250 x 2 licenses not posted) to be settled by Consent Order or Formal Hearing.

Commission Action: Approved.

4. Case No.: 2011030821

Complainant/consumer alleged that Respondent/dealer failed to provide title to a vehicle sold and had the Respondent/dealer arrested for fraudulent transfer of title. The case was dismissed after Respondent complied with the DA’s office in transferring the title.

Recommendation: Close with a Letter of Warning.

Commission Action: Approved.

4A. Case No.: 2012013061

Respondent-out of state dealer purchased a vehicle at auto auction and sold it to an individual in TN by endorsing the back of the title as a dealer. The consumer attempted to title the vehicle with rebuilt documentation when he was informed by the County Clerk’s office that

that dealer was not licensed in this state. Respondent appears to have engaged in unlicensed activity.

Recommendation: Authorization for a civil penalty in the amount of Five Hundred Dollars (\$500) to be settled by Consent Order or Formal Hearing.

Commission Action: Approved.

5. Case No.: 2012025151

Complainant/consumer alleged that Respondent/dealer failed to deliver title and provided four temporary tags after sale of the vehicle. An investigation was conducted and found that Respondent failed to respond to the Commission's request for response on the complaint, the Respondent provided 4 temporary tags to the Complainant and after failure to obtain title, Respondent bought back the vehicle and put the Complainant in another to his satisfaction.

Recommendation: Authorization for a civil penalty in the amount of One Thousand Two Hundred Fifty Dollars (\$1,250) – (\$500 x 2 temp. tags) (\$250 – failure to respond) to be settled by Consent Order or Formal Hearing.

Commission Action: Approved.

6. Case No.: 2012020851

Complainant/consumer alleged that Respondent/dealer failed to indicate vehicle to be purchased had a "rebuilt branded" title. An investigation was conducted. The complainant was uncooperative. During the investigation, the investigator found that Respondent's temporary tag log did not accurately reflect the issuance of temporary tags.

Recommendation: Authorization for a civil penalty in the amount of One Thousand Dollars (\$1,000) for failure to properly maintain its temporary tag log. To be settled by Consent Order or Formal Hearing.

Commission Action: Approved.

7. Case No.: 2010031151

An internal complaint was opened against Respondent/dealer for criminal allegations that the owner was indicted for bribing a public official - employees of the county clerk's office to process titles. This case was placed in a monitoring status. Upon request, it appears there is no record of any criminal judgment. Further, the individual indicted does not hold a motor vehicle dealer or salesperson license.

Recommendation: Close – No Violation Found. No judgment after indictment.

Commission Action: Approved.

8. Case No.: 2012022661

Complainant/consumer alleged that Respondent/dealer sold her a vehicle that was previously salvaged without disclosing such, that he provided her with more than two temporary tags. Complainant also indicated she paid \$1,000 cash which was not reflected on the bill of sale. Complainant eventually returned the vehicle to the Respondent. An investigation was conducted. The investigator found that 4 temporary tags were issued to the Complainant. The investigator also found that the vehicle sold to Complainant had a salvaged title and Respondent had not applied for a Rebuilt title. Respondent indicated that he knew he could not obtain a title at the time of sale to Complainant. The Respondent allowed the Complainant to drive the vehicle off his lot on the road with a temporary tag, though the vehicle could not legally obtain registration for road usage until it had been rebuilt.

Recommendation: Authorization for a civil penalty in the amount of Three Thousand Dollars (\$3,000) (\$2,000 x deceptive act of selling a salvaged vehicle without being rebuilt, allowing complainant to drive vehicle off of the lot on the road with a temporary tag) (\$500 x 2 temporary tags issued to Complainant) to be settled by Consent Order or Formal Hearing.

Commission Action: Approved.

9. Case No.: 2012021941

Complainant/consumer alleged that he purchased an Infinity from Respondent/dealer which was to be repaired by dealer and dealer put them in temporarily until the vehicle was repaired. Complainant indicated that he signed a bill of sale but did not realize that the bill of sale was for the Aurora, that it should have been the Infinity. Complainant states that the Respondent deceived him into purchasing the Aurora. An investigation was conducted. The Respondent indicated that he told the Complainant that the Infinity could be had if he purchased the Aurora and made six months payments on time due to the Respondent financing the vehicle for the Complainant and Complainant's lack of credit. Respondent indicated that the vehicle sold was the Aurora.

Recommendation: Close – Insufficient evidence of Violation. Bill of Sale signed by Complainant indicates vehicle sold was the Aurora.

Commission Action: Approved.

10. Case No.: 2012026021

Complainant/consumer alleged that Respondent/dealer failed to provide title to a vehicle purchased. Respondent replied indicating that it was attempting to obtain title from a dealership in CA. Respondent provided proof of this. The surety bond information was sent to Complainant.

Recommendation: Close – Respondent attempting to provide title to Complainant. Surety bond info. sent to Complainant.

Commission Action: Approved.

11. Case No.: 2012022701

Complainant/dealer alleged that Respondent/non-dealer tire shop was conducting unlicensed activity. An investigation was conducted. No evidence of unlicensed activity at Respondent's location was found.

Recommendation: Close – Insufficient evidence of unlicensed activity found at location.

Commission Action: Approved.

12. Case No.: 2013000471

Complainant/consumer alleged that Respondent/dealer sold her a motor vehicle which subsequent to purchase had mechanical failures. Prior to purchase, Complainant test drove the vehicle with a personal mechanic. The vehicle was sold As-IS.

Recommendation: Close – No Violation Found. Vehicle sold AS-IS. Complainant test drove vehicle.

Commission Action: Approved.

13. Case No.: 2011030961

An internal complaint was opened against Respondent/Salesperson for allegedly lying on his salesperson application that he had not been convicted of a felony. Respondent was convicted of multiple counts of theft of property over \$10,000, Class C Felonies. Upon investigation, the motor vehicle dealer/employer terminated Respondent. As such, Respondent no longer holds a license to act as a motor vehicle salesperson

Recommendation: Close and Flag – Respondent terminated as Salesperson by Employer.

Commission Action: Approved.

14. Case No.: 2013001611

Complainant/consumer alleges that after purchase of a vehicle from Respondent/dealer, the vehicle had mechanical difficulties and would not pass emissions. At the time of purchase the vehicle was 13 years old with over 256,000 miles and was sold "As-Is."

Recommendation: Close – No Violation Found. Vehicle purchased "as-is."

Commission Action: Approved.

15. Case No.: 2012023221

Complainant/consumer alleged that Respondent/dealer failed to provide a duplicate title for a vehicle purchased. The vehicle was paid in full upon delivery. Respondent stated the

Complainant was given a duplicate title and later complainant indicated that he had accidentally destroyed the duplicate and requested another. Respondent obtained a second duplicate title and states that they are awaiting Complainant to pay for the cost of the second duplicate title before they will release it.

Recommendation: Close – No Violation Found. Respondent awaiting Complainant to pay for second duplicate title.

Commission Action: Approved.

16. Case No.: 2013001621

Complainant/consumer alleged that Respondent/dealer failed to provide title/registration. Vehicle was purchased in September 2012. Respondent indicated there was confusion in processing the title. They overnighted a power of attorney to Complainant which Respondent received in order to obtain title for Complainant.

Recommendation: Close – No Violation Found. Complainant forwarded POA to Respondent for processing registration.

Commission Action: Approved.

17. Case No.: 2013001131

Complainant/consumer alleged that Respondent/dealer advertised a motor vehicle as new without disclosing that the vehicle has 5,800 miles upon it and had been used for demonstration purposes. Complainant alleges that he found the vehicle had 5,800 miles on it when viewing it at the dealership. Complainant did not purchase the vehicle. Respondent stated that the advertising of the vehicle as new was a mistake on their part and corrected such.

Recommendation: Close with a letter of warning indicating that demo vehicles cannot be advertised as “new” or “sold as new.”

Commission Action: Approved.

18. Case No.: 2012026381

Complainant/consumer alleged that Respondent/dealer sold him a vehicle representing 94,000 miles after knowingly purchasing the vehicle at auction announced as “true miles unknown” without disclosing such to the Complainant. Five months after purchase of vehicle, Complainant ran a vehicle history indicating vehicle was previously reported with over 240,000 miles. An investigation was conducted and found that Respondent purchased the vehicle at auction with approx.. 94,000 miles and announced as “true mileage unknown.” Documentation from the deal file indicated that the odometer disclosure indicated 94,000 miles and had the box checked, “discrepancy.” Similarly, the vehicle title (from Indiana) indicated the mileage discrepancy and the title itself was branded as an odometer discrepancy. Respondent indicated he informed Complainant of such. Complainant states

this was not done. The only evidence of any such communication is the odometer disclosure form indicating the discrepancy, signed by the Complainant.

Recommendation: Close – Insufficient evidence of failure to disclose mileage discrepancy. Buyer signed odometer disclosure statement indicating discrepancy.

Commission Action: Approved.

19. Case No.: 2012026531

Complainant/consumer alleged that Respondent/dealer sold her a vehicle but failed to deliver title and that Respondent sold her a 90 day warranty but would not honor the warranty. An investigation was conducted which found that the vehicle in question was repossessed after Complainant claimed bankruptcy. Further, the Respondent provided Complainant a rental/loaner vehicle, but a sale was never conducted. Complainant later returned that vehicle. A 90 day warranty could not be determined by any of the documents gathered. However, during the investigation, the investigator found that the Respondent provided 3 temporary tags to a previous customer of the same vehicle in question.

Recommendation: Authorization for a Civil Penalty in the amount of Five hundred Dollars (\$500) (\$500 x 1 temp. tag) to be settled by Consent Order or Formal Hearing.

Commission Action: Approved.

20. Case No.: 2012019352, 2012019351

The Memphis City Police Dept. submitted a complaint regarding improper use of a temporary tag that was present on a motor vehicle pulled over. The temporary tag on the vehicle appeared to be issued to a different vehicle from Respondent/dealer. An investigation was conducted. The Respondent's temporary tag log indicated that they issued the tag to a consumer (neither the driver of the vehicle or the person listed on the tag) in April 2012, however, the tag itself had physical holes punched into it indicating the date of issuance was in July 2012. As such, it is sufficient to indicate that the Respondent failed to maintain accountability of that tag issuance.

Recommendation: Authorization for a Civil Penalty in the amount of Five Hundred Dollars (\$500) for failure to properly maintain its temporary tag log. To be settled by Consent Order or Formal Hearing if necessary.

Commission Action: Approved.

21. Case No.: 2013001081

Complainant/KY resident and consumer alleged that Respondent/dealer sold him a motor vehicle that had a rebuilt branded title without disclosing such to him prior to the sale. The Complainant was contacted and forwarded this office a copy of his sale documents. The Complainant provided this office with a document labeled “AS-IS Where IS Form” that indicated specifically that the vehicle purchased was previously salvaged and the title to be received would be branded, including a “rebuilt title.” Complainant signed this disclosure.

Recommendation: Close – No Violation Found. Complainant signed “AS-IS Where-Is Form” disclosing branding of title.

Commission Action: Approved.

22. Case No.: 2013002571

Complainant/consumer alleged that Respondent/dealer sold her a motor vehicle which she believed had previous flood or water damage. The Respondent replied indicating that the vehicle was sold with a non-branded title and that he had no knowledge of the vehicle having any water or flood damage. Respondent further indicated that the Complainant had been behind on payments and the vehicle was repossessed. A Vehicle History Report was obtained from the Dept. of Revenue which provided the vehicle’s title history. The history indicated the vehicle had previously been titled in the State of Michigan. No branding of title, either by water or flood was indicated on the vehicle’s history provided.

Recommendation: Close – No Violation Found. Vehicle title is not branded Flood Vehicle. Vehicle Title history does not indicate vehicle ever being branded as “Flood.”

Commission Action: Approved.

23. Case No.: 2013003651

Complainant/consumer alleged that after purchasing a vehicle from Respondent/dealer, the vehicle had a mechanical malfunction with the transmission. The Respondent indicated that the Complainant/driver recklessly drove revving the engine high and popping the clutch. The vehicle was sold “As-Is” without warranty.

Recommendation: Close – No Violation Found. Vehicle was purchased “As-Is.”

Commission Action: Approved.

24. Case No.: 2012022671

Complainant/consumer alleged inaccuracies of the amount of money indicated as balance due on a bill of sale purchased by Respondent/dealer. Bill of sale was on a dealer’s letterhead, however, the dealer’s license expired in 2010 and it appears from the bill of sale, the vehicle was sold in 2011 or 2012. An investigation was conducted. An investigation was conducted at the location indicated by the Complainant. The Respondent was not found there. The investigator attempted to serve a Cease and Desist letter upon the Respondent but could not find him.

Recommendation: Authorization for a Civil Penalty in the amount of Five Hundred Dollars (\$500) (1 x unlicensed activity) to be settled by Consent Order or Formal Hearing.

Commission Action: Approved.

25. Case No.: 2012023571

Complainant/dealer alleged unlicensed activity as a motor vehicle dealer on part of Respondent/repair garage. An investigation was conducted. The investigator determined that the Respondent recently opened a motorcycle repair garage where he also sold dirt bikes and ATVs on consignment. The Respondent also repaired motorcycles. No information/documentation was obtained evidencing the sale of motorcycles that a motor vehicle dealer license is required to obtain prior to sale.

Recommendation: Close with Letter of Instruction regarding motor vehicle dealer license requirement prior to sale of motorcycles on consignment.

Commission Action: Approved.

26. Case No.: 2012026651

Complainant alleged that its neighbor was conducting unlicensed activity as an automotive dismantler & recycler by selling motor vehicle parts. An investigation was conducted. The investigation found that there were numerous pieces of equipment, metal, trailers, etc. on the residential property of the Respondent. There were vehicle truck bed parts on the property, however there was no dismantling activity seen or any signs indicating any vehicle parts for sale. As such, this matter is more suited as a possible ordinance zoning issue.

Recommendation: Close – No Evidence of Unlicensed Activity Found.

Commission Action: Approved.

27. Case No.: 2012023021

Complainant/consumer alleged that Respondent/dealer sold him a vehicle that was advertised and listed as “new” but was actually used for demonstration purposes. An investigation was conducted and found that the vehicle was advertised as “new” with a “dealer discount” off of the MSRP. No reference was made to the vehicle being a “demonstration vehicle.” Further, the Bill of Sale was marked as “new” and not “demonstrator” which box was available to be marked. An affidavit from the Respondent indicated that the vehicle was used for demonstration purposes. Respondent stated that the vehicle odometer disclosure statement signed by Complainant indicated that he vehicle had 4,400 miles driven at the time of sale. Respondent also failed to Respond to the Commission’s original request for answer to the complaint.

Recommendation: Authorization for Civil Penalty in the amount of Six Hundred Dollars (\$600) (\$500 x 1 count representing and selling as a new vehicle, one which had been operated for demonstration purposes) (\$100 for failing to answer the written request for response). To be settled by Consent Order or Formal Hearing.

Commission Action: Approved.

28. Case No.: 2011030741

Complainant/consumer alleged that Respondent/auctioneer conducted unlicensed activity by selling a motor vehicle to him as a bank repossession. Further, after purchase of the vehicle, Complainant alleged that the title passed was a “rebuilt” vehicle title which was not disclosed at the time of sale. An investigation was conducted. Respondent is an auction that does not hold a motor vehicle dealer license or public automobile auction license. The vehicle was sold to Complainant who received a rebuilt title that cannot be shown to have been disclosed prior to the sale.

Recommendation: Authorization for a civil penalty in the amount of One Thousand Dollars (\$1,000) for unlicensed activity along with an Order to Cease and Desist. To be settled by Consent Order or Formal Hearing.

Commission Action: Approved.

29. Case No.: 2012008971

An internal complaint was opened against Respondent/expired dealer stemming from a biennial inspection on Respondent’s dealership. The Respondent did not renew its license. The license was issued as a sole proprietorship. At the time of inspection, the expired location had four (4) motor vehicles posted for sale. The titles were placed into the individual name of the owner. A follow-up investigation was conducted and did not find any further vehicles for sale or sold. As such, this office cannot substantiate a violation but a letter of instruction regarding the maximum vehicles to be sold of (5) would be appropriate.

Recommendation: Close with a Letter of Instruction.

Commission Action: Approved.

30. Case No.: 2013002731

An internal complaint was generated upon information from an investigator from the TN Dept. of Revenue concerning Respondent allegedly altering a temporary tag. An investigation was conducted. The Respondent’s employee admitted to altering the temporary tag. Further, it was found that the employee was not licensed as a salesperson. After inspection it was found that Respondent did not have a licensed salesperson. Respondent has now applied for a licensed salesperson.

Recommendation: Authorization for a civil penalty in the amount of Two Thousand Dollars (\$2,000)(\$1,000 x false act of altering temp. tag)(\$1,000 x 1 count of unlicensed salesperson). To be settled by Consent Order or Formal Hearing.

Commission Action: Approved.

31. Case No.: 2012025931

Complainant/consumer alleged that Respondent/dealer provided more than 2 temporary tags for a vehicle purchased and failed to provide title/registration. An investigation was conducted and did not find an issuance of more than 2 temporary tags for the vehicle and further, Respondent's record showed title being transferred into name of the Complainant.

Recommendation: Close – No Violation Found.

Commission Action: Approved.

32. Case No.: 2013004591

Complainant/consumer alleged that Respondent/dealer failed to disclose a condition of vehicle at time of purchase. Complainant alleged the vehicle was disclosed at an auto auction as being frame damaged or having unibody damage. Complainant alleges the value of the vehicle was misrepresented. A view of the Autocheck provided by the Complainant indicates that the vehicle was announced as frame/unibody damage not at the auto auction where vehicle was purchased by the Respondent but at an auto auction one year prior to that date. As such, no knowledge of any such announcement was provided to Respondent.

Recommendation: Close – Insufficient Evidence of Violation.

Commission Action: Approved.

33. Case No.: 2013004661

An internal complaint was opened upon Respondent/dealer after a biennial inspection wherein the investigator found that Respondent failed to renew its city/county business license.

Recommendation: Authorization for a civil penalty in the amount of Two Hundred Fifty Dollars (\$250) to be settled by Consent Order or Formal Hearing.

Commission Action: Approved.

34. Case No.: 2013004671

An internal complaint was opened upon Respondent/dealer after a biennial inspection wherein the investigator found that Respondent failed to properly maintain a temporary tag log for the issuance of temporary tags.

Recommendation: Authorization for a civil penalty in the amount of One Thousand Dollars (\$1,000) to be settled by Consent Order or Formal Hearing.

Commission Action: Approved.

35. Case No.: 2013004681

An internal complaint was opened upon Respondent/dealer after a biennial inspection wherein the investigator found that Respondent failed to properly maintain a temporary tag log for the issuance of temporary tags.

Recommendation: Authorization for a civil penalty in the amount of One Thousand Dollars (\$1,000) to be settled by Consent Order or Formal Hearing.

Commission Action: Approved.

36. Case No.: 2013003311

Complainant/consumer alleged that after the purchase of a used motor vehicle, that it began to have mechanical difficulties. Respondent indicated the vehicle was sold “As-Is” without warranty and that he has repossessed the vehicle due to default.

Recommendation: Close – No Violation Found.

Commission Action: Approved.

37. Case No.: 2013004731

Complainant/consumer alleged deceptive acts against Respondent/dealer in connection with the purchase of a vehicle and a limited warranty provided with the purchase of the vehicle. Complainant states at the time of purchase, he noticed issues with the vehicle’s transmission. Complainant alleges there was not a “buyer’s guide” in the window of the vehicle. Respondent provided a signed document from the Complainant acknowledging that the vehicle was sold “As-Is.” However, the vehicle came with a limited 4 month/4,000 limited warranty on the transmission. Complainant alleged that he was told by the salesperson that the warranty would cover such issue. After purchase of vehicle, Complainant made application for a new transmission to the warranty company. The claim was denied as having an existing failure at the time of sale to the Complainant. By the terms of the limited warranty, only \$1,500 in damages would be covered. Respondent offered to purchase back vehicle, however, terms of the rescission could not be agreed to.

Recommendation: Authorization for a Letter of Warning to the Respondent instructing to ensure that each vehicle contain a “Buyer’s Guide” with information regarding any provided limited warranty offered by a third party.

Commission Action: Approved.

38. Case No.: 2013004861

Complainant/consumer alleged that Respondent/dealer sold her a manufacturer buy-back vehicle in 2007 without disclosing such prior to sale. Respondent replied indicating that the vehicle was taken as a trade-in from a customer in 2007 and resold to the Complainant in 2007. The vehicle in question is a 2003 Ford. Respondent indicates they did not purchase the vehicle as a buy-back from the manufacturer. This transaction is six years old.

Recommendation: Close – No Violation Found.

Commission Action: Approved.

39. Case No.: 2013005441

Complainant/consumer alleged that after purchase of vehicle from Respondent/dealer, the vehicle began to have mechanical difficulties. Complainant indicates that vehicle was purchased with over 118,000 miles upon it. Respondent replied providing multiple documents signed by Complainant indicating vehicle was sold “As-Is.”

Recommendation: Close – No Violation Found. Vehicle purchased “As-Is.”

Commission Action: Approved.

40. Case No.: 2013005841

Complainant/consumer alleged that after purchase of vehicle from Respondent/dealer, the vehicle began to have mechanical difficulties. Respondent replied indicating that the vehicle was purchased used, “As-Is.”

Recommendation: Close – No Violation Found. Vehicle purchased “As-Is.”

Commission Action: Approved.

41. Case No.: 2013006301

Complainant/consumer alleged that after purchase of vehicle from Respondent/dealer, the vehicle began to have mechanical difficulties. Respondent replied indicating that the vehicle was purchased used, “As-Is.”

Recommendation: Close – No Violation Found. Vehicle purchased “As-Is.”

Commission Action: Approved.

42. Case No.: 2013006461

Complainant/consumer alleged that Respondent/dealer failed to provide service agreed upon and conditioned upon the purchase of a used motor vehicle. Complainant alleged that certain services were not performed upon the vehicle. Respondent replied indicating that they would pay the Complainant the exact amount requested by Complainant but stated that they did not feel obligated to do so, as these items were not noted on a standard used “we owe” form. It appears Respondent has provided Complainant with all items requested.

Recommendation: Close – No Violation Found. Respondent agreed to comply with Complainant’s requests.

Commission Action: Approved.

43. Case No.: 2013001411

Complainant/out of state consumer alleged that Respondent/dealer sold him a vehicle in 2011, after which Complainant moved to KY and never received title to the vehicle. Respondent provided a copy of the title, title extension form (for VA title) along with

Affidavit of sale to be taken out of state for the Dept. of Revenue and indicated that title was sent to Complainant who likely lost the title.

Recommendation: Close – Respondent provided copy of title. Surety bond information sent to Complainant.

Commission Action: Approved.

44. Case No.: 2012026361

Complainant/consumer alleged that Respondent/dealer sold him a motor vehicle without disclosing the vehicle being sold was from a dealer and that the transaction occurred in the parking lot of a Starbucks; not the licensed location. An investigation was conducted. The Respondent indicated the vehicle was sold at the licensed location. However, Complainant provided copies of text messages from Respondent indicating that location met for the transaction was at a Starbucks. This constitutes off-site sales.

Recommendation: Authorization for a Civil Penalty in the amount of Five Hundred Dollars (\$500) to be settled by Consent Order or Formal Hearing.

Commission Action: Approved.

45. Case No.: 2012021641/2

Complainant/consumer alleged that Respondent/dealer sold her a vehicle but failed to provide title or registration. An investigation was conducted. Respondent's location was found abandoned and Respondent could not be found. The investigator found that Respondent purchased the vehicle from an individual who was not the owner of the vehicle. The vehicle was owned by another person with another dealership as the lienholder. Apparently after default by the owner, an unknown person obtained possession and sold it to the Respondent as his own vehicle. The Respondent sold the vehicle to the Complainant and could not provide title. The vehicle was subsequently repossessed by the true lienholder and sold at auction with an announcement that the vehicle was previously stolen. The investigation did not obtain any police report indicating the vehicle was reported stolen. It appears the Respondent dealership and salesperson purchased a vehicle not belonging to the seller and sold the vehicle to the Complainant and was unable to deliver title.

Recommendation: Authorization for the Revocation of the Motor Vehicle Dealer's license and Motor Vehicle Salesperson license who sold the vehicle to the Complainant.

Commission Action: Approved.

46. Case No.: 2012020451

Complainant/dealer alleged that Respondent/auto auction allowed an unauthorized person to purchase a vehicle on behalf of Complainant. Complainant alleged that her licensed

salesperson who is also her brother obtained Auction Access IDs and forged authorizations to purchase vehicles on behalf of the Complainant. An investigation was conducted and found that the Respondent/auction had what appeared to be signed authorization forms for the salesperson to purchase on behalf of the Complainant, obtained affidavits from persons present at the auction indicating that the Respondent's salesperson was present that day and purchased the vehicles. The salesperson has since been terminated by the Complainant. The salesperson could not be found. It appears that is a matter between the Complainant/dealer and her brother/salesperson and there is no evidence of any violation on part of the Respondent/auction.

Recommendation: Close –No Violation found on part of Auto Auction. Respondent provided documentation of authorization for salesperson to purchase on behalf of Complainant.

Commission Action: Approved.

47. Case No.: 2012022951, 2012022691

Complainants/consumers alleged that Respondent/dealer failed to provide titles/registration and provided more temporary tags that allowed by law. An investigation was conducted. Respondent had provided title to one Complainant. It could not be determined how many temporary tags were provided to her as the Respondent failed to keep a complete log of temporary tags. Respondent provided a sworn statement that Complainant was only given 2 tags. Respondent admitted to giving the second Complainant three temporary tags. Further, the investigator found that Respondent was in possession of temporary tags that had been issued to customers and had been altered. The TN Dept. of Revenue was contacted who conducted an inspection also. Respondent was provided educational training. A follow-up inspection was conducted by the Dept. of Revenue and reported Respondent was in compliance and had hired a new title clerk.

Recommendation: Authorization for a civil penalty in the amount of Three Thousand Dollars (\$3,000) (\$500 x 1 temp. tag provide to complainant over the legal limit), (\$1,000 for failing to properly maintain a temporary tag log), (\$1,500 for possession of 3 altered temporary tags) to be settled by Consent Order or Formal Hearing.

Commission Action: Approved.

48. Case No.: 2012023891

Complainant/consumer alleged that Respondent/dealer sold her a motor vehicle with a salvaged title without disclosing such. An investigation was conducted. Complainant and husband purchased the vehicle in 2011. Documents from the deal file do not state that the vehicle currently had a Salvaged title. The vehicle was sold to Complainant on a Salvaged title. Respondent issued 2 temporary tags to the Complainants. Complainant soon after moved to another part of the state. Respondent had not applied for a Rebuilt title and blamed the inability to obtain title on part of the Complainant for not having the vehicle available for an inspection. Complainant stated they were not informed that the vehicle, at the time of purchase, had a salvaged title and that they would need the vehicle inspected for a rebuilt title. The Complainants contacted the TN Dept. of Revenue to assist in obtaining title. The vehicle was inspected but rejected for a Rebuilt title due to 1 – Complainant/Applicant for

Rebuilt title was not the person who rebuilt the vehicle and 2 – the Airbag light was on. From the documents obtained, it appears that the Respondent sold the vehicle on a salvaged title, issued 2 temporary tags for operation of the vehicle and further, ultimately failed to obtain a good certificate of title for the Complainant.

Recommendation: Authorization for a Civil Penalty in the amount of Five Thousand Dollars (\$5,000) (\$4,000 x deceptive act of selling vehicle on salvaged title without disclosure) (\$1,000 for issuance of 2 temporary tags on salvaged vehicle).

Commission Action: Approved.

49. Case No.: 2012022791

Complainant/finance company alleged that Respondent/dealer failed to deliver title to vehicle financed by company. An investigation was conducted and found that the finance company remitted funds to Respondent to pay off lienholder. Lienholder accepted funds and could not provide title until months later. Respondent reimbursed finance company and now holds title and is working with purchaser to obtain the vehicle back in return of down payment.

Recommendation: Close – No Violation Found. Complainant was reimbursed payment. Lienholder could not provide Certificate of Title.

Commission Action: Approved.

50. Case No.: 2012018622, 2012018621

Complainant/individual alleged that Respondents were conducting unlicensed activity by placing motor vehicles on Craigslist for sale. The Complainant provided two names and an address of the activity. An investigation was conducted. The Complainant did not provide information detailing how the named individuals were connected with the sale of the vehicles, the property listed did not have vehicles located upon it for sale, the telephone numbers listed were not connected to any found person and as such, the investigation did not conclude whether any specific vehicle was sold by any identified person.

Recommendation: Close – Insufficient Evidence of Unlicensed Activity.

Commission Action: Approved.

51. Case No.: 2012025131/2

Complainant/consumer alleged that Respondent/dealer sold her a motor vehicle in 2010 without disclosing prior known “unibody” damage. The Respondent purchased the vehicle at auction with the announcement of “unibody” damage. The Respondent at the time of sale to the Complainant printout a Carfax report which did not indicate the “unibody” damage. The Respondent did not correct the mistake prior to the sale. When selling the vehicle, the Complainant found that the Carfax later did indicate the “unibody” damage. Respondent provided the original 2010 Carfax and recent Carfax indicating the depreciation in value. Further, the vehicle was shown to the Complainant at a location that is not part of the Respondent’s dealership but at a private residence.

Recommendation: Authorization for a Civil Penalty in the amount of One Thousand Dollars (\$1,000) (\$500 – deceptive act of failing to disclose the unibody damage after providing an incorrect Carfax report to the Consumer)(\$500 for off-site sales) to be settled by Consent Order or Formal Hearing.

Commission Action: Approved.

52. Case No.: 2012025611

Consumer/complainant alleged that Respondent/dealer required them to enter into a contract to purchase GAP insurance in order to purchase a vehicle. An investigation was conducted. The Complainant appeared to not fully cooperate with the investigator in providing documentation and statements. The Respondent replied denying any such activity and as a gesture of good will, refunded the GAP insurance payment to the Complainant.

Recommendation: Close – No Violation Found. GAP insurance refunded to Complainant.

Commission Action: Approved.

53. Case No.: 2012024641, 2012026491, 2012026501

The Commission received multiple complaints from the Montgomery County Clerk’s office and consumers indicating that Respondents’/Alabama dealers were selling motor vehicles in Tennessee without a license. An investigation was conducted with the assistance of the Sheriff’s department. The investigation found evidence of 11 motor vehicles being sold by an Alabama dealer, on its bill of sale letterhead. The dealer purchased vehicles at a TN auto auction. The individuals selling the vehicles appear mostly to be TN citizens. A location was found storing vehicles for sale. Those vehicles were moved over night. The Sheriff’s office did not make any arrests in this matter. The company appears to have a dissolved charter and has abandoned its business location in Alabama. It is likely that this corporation will be difficult to find along with the individual salespersons.

Recommendation: Authorization for a Civil Penalty in the amount of Eleven Thousand Dollars (\$11,000) to be settled by Consent Order or Formal Hearing.

Commission Action: Approved.

54. Case No.: 20100012471

An internal complaint was opened regarding information that a Dismantler and Recycler was purchasing inoperable motor vehicles and failed to retain proper documentation from whom the vehicles were purchased. Documentation from the police department was obtained. An individual owner was cited for a Class C Misdemeanor, pled guilty and received a \$50 fine.

Recommendation: Authorization for a civil penalty in the amount of One Thousand Dollars (\$1,000) for false acts of failing to obtain required documentation to be settled by Consent Order or Formal Hearing.

Commission Action: Approved.

55. Case No.: 201300553

Complainant/consumer alleged that Respondent/dealer did not make adequate repairs to vehicle brought in for service. The Complainant alleged that after picking up vehicle for service, the next day, the vehicle overheated. The cost of repairs was \$1,500. Complainant alleges the services charged for repair should have been covered under a manufacturer recall. Respondent disagrees and as a good will gesture, provided Complainant a 50% discount on the repair bill. Respondent's allegations were not substantiated.

Recommendation: Close – No Violation Found.

Commission Action: Approved.

RE-PRESENTATIONS

56. Case No.: 2012024071

The Commission authorized a \$500 civil penalty at its Jan. 2013 meeting against Respondent/dealer for misrepresentation a motor vehicle as a "track" model when it was not such model. After the authorization, the Complainant/consumer communicated his want to withdraw the Complaint. As such, the violation cannot be proven without the Complainant's cooperation.

Recommendation: Close – Complainant withdrew complaint.

Commission Action: Approved.

57. Case No.: 2012026461

The Commission authorized a \$500 civil penalty at its Jan 2013 meeting against Respondent/dealer for not meeting its reasonable business hours. An anonymous complaint indicted that Respondent was open only one day a week. After the meeting, this office called Respondent's number which provided a recording that their office was open 12 hours a week. As the Complainant was anonymous, there is not sufficient evidence of the violation.

Recommendation: Close with a letter of warning.

Commission Action: Approved.

58. Case No.: 2012008331

The Commission previously authorized a civil penalty in the amount of \$124,500 at the July 2012 meeting for alleged 242 days of unlicensed activity upon an automotive dismantler & recycler whose license expired. The dealer is currently licensed. The investigation report does not provide any proof that the Respondent was operating for 242 days. The investigation only indicates that unlicensed activity was observed on that one day. As such,

there is not sufficient evidence showing 242 violations. The Respondent has offered to settle this matter for \$10,000, which I would recommend accepting.

Recommendation: Amend the previous civil penalty authorization to \$10,000 to be settled by Consent Order or Formal Hearing.

Commission Action: Approved.

59. Case No.: 2012008731

The Commission previously authorized a civil penalty in the amount of \$5,000 for unlicensed activity against Respondent/unlicensed person. Upon review of the investigation report and documentation obtained, there is not sufficient proof to prove the previously thought 10 counts of unlicensed activity, but only 1 count. As such, the authorization should be reduced.

Recommendation: Amend the previous authorization for a civil penalty in the amount of Five Hundred Dollars (\$500) to be settled by Consent Order or Formal Hearing.

Commission Action: Approved.

60. Case No.: 2012012231

The Commission authorized a civil penalty in the amount of \$6,000 against Respondent at its October 2012 meeting for unlicensed activity in Memphis. The Respondent was selling as an individual and cannot be found to serve the Consent Order upon him.

Recommendation: Close and Flag.

Commission Action: Approved.

61. Case No.: 2012019022, 2012019021

The Commission previously authorized two civil penalties, \$10,000 against a salesperson for unlicensed activity of advertising a false entity in association with motor vehicle being sold through a dealer and another \$11,000 civil penalty against the motor vehicle dealer for unlicensed activity of having a vehicle solicited for sale at an unlicensed location and further for advertising violation acts of failing to provide the dealer's name or dealer number on advertising created by the salespersons and further for deceptive advertising.

After receiving the consent order, this office met with the Respondent/dealer who was open and honest regarding his failure to supervise his salespersons in allowing them to advertise but fail to check their advertisement. This office does not have sufficient proof as previously presented to the Commission that the dealer had knowledge of the type of advertising that was being conducted by the salesperson. As such, this office cannot show the dealer was conducting deceptive advertising.

Recommendation: Amend the previous authorization upon the Respondent/dealer only from \$11,000 to \$8,500. To be settled by Consent Order. If not consented, Formal Hearing authorization.

Commission Action: Approved.

62. Case No.: 2012015001

The Commission previously authorized a civil penalty against Respondent/dealer-public auto. Auction for deceptive acts in selling a truck which had two VIN numbers, one for the frame and another for the cab. After receipt of the consent order, the Respondent offered to purchase the vehicle back from the Complainant for full price plus interest. The Complainant refused the offer and sold the vehicle to a third party instead.

Recommendation: Amend the pervious recommendation to Close with a Letter of Warning due to Respondent's attempt to rescind the transaction and compensate the Complainant, who refused.

Commission Action: Approved.

**63. Case No.: 2011024021
2011027531
2011029041**

This complaint was generated as the result of 2 separate complaints filed with this office, as well as the request by an Investigator to perform an audit on the business premises of Respondent. Both of the complaints filed were centered around title issues and issuance of excess temporary tags. Both Complainants alleged that Respondent had failed to produce titles to the vehicles purchased. An investigation was initiated, in which Respondent owner was interviewed. Respondent owner stated that he had been having financial problems and had been "out of trust" with his floorplan company and, therefore, unable to obtain the titles to remit to the customers. Respondent did state however that to date all customers had received their titles with the exception of one individual, the Complainant. Respondent admitted to selling Complainant a salvaged vehicle on May 10, 2011, but Respondent failed to submit the proper paperwork to achieve a Salvage Certificate on the vehicle. The paperwork was not even submitted until the first week of November, thus, Complainant had been driving on a salvage title for approximately 6 months. To this date, Respondent had still not obtained the proper title. Respondent also admitted to issuing "numerous" temporary tags to Complainant since May, and Complainant is currently driving on one of Respondent's used dealer plates that it gave her until her title arrives. During this same investigation, while reviewing the temporary tag log, Investigator discovered that tags were being logged in individual's names that did not purchase a vehicle from Respondent, in order for it to appear that excessive tags were not being issued. Respondent stated it knew its biennial inspection was coming due and knew that the temporary tag log would be checked so it had tried to make a new log so that it appeared all tags were accounted for and in order. Respondent stated it destroyed its old log because it was "messed up". Complainant affirmed that she still did not have title and was driving on a dealer plate that she was given in October. The Department of Revenue informed the Investigator that Respondent has yet to send in the proper paperwork to obtain the proper title to the vehicle in question.

Recommendation: Authorization for a civil penalty in the amount of Eighty Nine Thousand Dollars (\$89,000.00) to be settled by Consent Order or Formal Hearing. {Failure to provide title=\$500.00; Sold car on Salvage Title=\$500.00 x 174

days=\$87,000.00; Excess temporary tags=\$500.00; Issuing used dealer plate to Complainant=\$500.00; Failure to maintain temporary tag log and temporary tag log misuse=\$500.00}

Additional investigation found business closed and no longer open. Investigator found no cars, no persons at business site. There is no bond or active insurance.

New Recommendation: Close

Commission Action: Approved.

64. Case No.: 2011021271/2013002591 (July 2012)

2011021271- This complaint was previously investigated by the MVC in September 2011, wherein it was found that Respondent issued five (5) excess temporary tags to Complainant while she awaited proper title to the vehicle she purchased. Complainant alleged that she never received title to the vehicle from Respondent, though she actually purchased the vehicle from another individual who had previously purchased the vehicle from Respondent. Thus, a supplemental investigation was initiated in February 2012 to determine the status of the title. The Department of Revenue sent information stating that there was no record of title or registration ever being issued on the VIN of the vehicle in question. The investigation failed to acquire title on the vehicle, thus, there is insufficient evidence to sustain a MVC violation regarding title in this case.

Recommendation: Authorization for a civil penalty in the amount of Two Thousand Five Hundred Dollars (\$2,500.00) to be settled by Consent Order or Formal Hearing for 5 excess temporary tags.

In preparing for litigation, it was determined that the evidence could not support the allegation of 5 excess tags as there was incomplete information on the tags as provided. However, in the February investigation it was discovered there were other instances of multiple tags being issued in excess of the two allowed by law. The new recommendation is to close the present file and open a new complaint based on the tag log of 2012 and that a supplemental investigation be initiated.

New Recommendation: Close –Insufficient evidence of violation.

Commission Action: Approved.

2013002591 – This complaint was opened based upon the findings in the above 2011021271 which had evidentiary issues due to the complainant's inability to be found. Based upon the complaint, internally opened, an investigation was conducted to determine if the Respondent was issuing more temporary tags than allowed by law. Based upon the investigation, it appears that Respondent issued 33 temporary tags to customers over that is legally allowed.

Recommendation: Authorization for a civil penalty in the amount of Sixteen Thousand Five Hundred Dollars (\$16,500.00)(\$500 x 33 temporary tags issued over the legal limit) to be settled by Consent Order or Formal Hearing.

Commission Action: Approved.

65. Case No.:

2011027181
2012000481
2011024291
2011028971
2011022501
2011019851
2011027561
2011031001
2012006401
2011018641
2011022331
2012004091
2012018841

The above complaints were previously authorized civil penalties by the Commission. Upon preparation for a formal hearing, it was determined that the evidence is insufficient to support the allegations for various reasons including, lack of complainant testimony, lack of investigator testimony or the Respondent has gone out of business and cannot be found.

Recommendation: Close – Insufficient Evidence of violation.

Commission Action: Approved.

66. Case No.:

2012026231
2012025761
2013000501
2012023901
2012025991
2012017951
2011025151
2013003341
2013003571

The above complaints were received stating that the Respondents/dealers had failed to provide titles/registration for vehicles purchased or the dealers has been issued a citation which has not been paid. The dealer has abandoned the business and is no longer operating. Surety Bond information has been sent to Complainants.

Recommendation: Close and Flag – Respondent is out of Business.

Commission Action: Approved.

67. Case No.:

2012023531
2012023591

2012026451
2012023601
2013002961
2013002711
2013002701
2013002511
2013004481
2013005541

The above complaints were received stating the Respondents/dealers had failed to provide titles/registration for vehicle purchased. After receiving the complaint, registration/title was provided to the Complainant.

Recommendation: Close – Title/Registration Received.

Commission Action: Approved.

68. Case No.: 2012024021
2013004511
2012026521

The above complaints have been settled between the parties after the filing of the complaint.

Recommendation: Close – Settled between parties.

Commission Action: Approved.

69. Case No.: 2013000761
2013001601
2013001101
2013002531
2013003561
2012026541
2013000481

The above complaints were withdrawn by the Complainant after submitting to the Commission.

Recommendation: Close – Withdrawn.

Commission Action: Approved.

70. Case No.: 2013002811
2013000491

The above complaints were opened due to a first advertising violation by a dealer within a one year period. First advertising violations are recommended to be given a Letter of Warning.

Recommendation: Close with a Letter of Warning.

Commission Action: Approved.

Declaratory Order

- Gary Mathews Kia moved for an order granting a petition for declaratory before the Commission regarding a recent letter of termination by KIA Motors America, Inc Gary Mathews Kia also requested the Commission to announce that it had authority to hear disputes between dealers and manufacturers regarding the termination of a franchise. Kia Motors America, Inc. responded verbally to Gary Mathews Kia's motion. A motion was made by Commissioner Farrar Schaeffer Vaughan to grant Gary Mathews Kia's motion for petition. The motion was seconded by Commissioner Donnie Hatcher. Discussion amended the original motion specifying that the petition would be heard in January 2013 with the statutes involved being TCA 55-17-114(c)(3) and (21). The motion carried.

Motion made to adjourn was made John Murrey, and seconded by Nate Jackson.

Eddie Roberts, Chairman

Leon Stribling, Executive Director